

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Corey D. Randall, #237596,)	C/A No. 4:04-1203-RBH
)	
Petitioner,)	
)	
vs.)	ORDER
)	
William White, Warden, BRCI; and)	
Henry Dargan McMaster, Attorney General)	
for South Carolina,)	
)	
Respondents.)	
)	

The Petitioner made application to the Court for a writ of habeas corpus, challenging his detention by the State of South Carolina. The Court, by order filed May 31, 2005, denied Petitioner's application for a writ of habeas corpus. The matter is now before the Court on Petitioner's Motion for a Certificate of Appealability, filed July 11, 2005. The motion requests the Court to certify grounds for appeal pursuant to 28 U.S.C. § 2253(c).

The governing law provides that:

(c)(2) A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.

(c)(3) The certificate of appealability . . . shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 2253(c). Most courts agree that the standard for issuing a certificate of appeal ability under 28 U.S.C. § 2253(c) ("substantial showing of the denial of a constitutional right") remains unchanged from the former standard for granting certificates of probable cause ("substantial showing of the denial of a federal right"). *Drinkard v. Johnson*, 97 F.3d 751, 756 (5th Cir. 1996); *Reyes v.*

Keane, 90 F.3d 676, 679 (2d Cir. 1996); *Lennox v. Evans*, 87 F.3d 431, 434 (10th Cir. 1996). *See also Barefoot v. Estelle*, 463 U.S. 880, 893 (1983). The Court is well familiar with the issues raised in this proceeding.

After considering the substantive merits of Petitioner's claims, the Court remains convinced that the petition for writ of habeas corpus was properly denied as to all claims, for the reasons set forth in the Court's order. Accordingly, the Court will not certify the Petitioner's issues under 28 U.S.C. § 2253(c).

Petitioner's Motion for a Certificate of Appealability is **DENIED**.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

July 18, 2005
Florence, SC